

CITY OF MILPITAS
Summary of Contents
Milpitas City Council Meeting
March 2, 2004
6:00 p.m. Closed Session
7:00 p.m. Public Business
455 E. Calaveras Boulevard

I. ROLL CALL (6:00 p.m.)

II. ADJOURN TO CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Government Code Section 54957.6)

Unrepresented Employee: City Manager

III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote on abstention of each member present

IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)

V. APPROVAL OF MINUTES: February 17, 2004

VI. SCHEDULE OF MEETINGS

VII. PRESENTATIONS

Proclamation:

- Black History Hall of Fame Inductees: Sandra Edwards, Dr. Geraldine Forte, Beverly James, and Jim Johnson
- Colon Cancer Awareness Month

Commendations:

- Chinese Club & Vietnamese Club, Milpitas High School, for 2004 Lunar New Year Show

VIII. CITIZENS FORUM

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to under two minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

IX. ANNOUNCEMENTS

X. APPROVAL OF AGENDA

XI. CONSENT CALENDAR (Items with Asterisks)

XII. PUBLIC HEARING

XIII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. CALL TO ORDER BY THE MAYOR

RA2. ROLL CALL

RA3. APPROVAL OF MINUTES: February 17, 2004

RA4. APPROVAL OF AGENDA AND CONSENT CALENDAR (ITEMS WITH ASTERISKS)

***RA5. Approve Contract Extension for Audit Services With Maze & Associates Accountancy Corporation (Staff Contact: Emma Karlen, 586-3145)**

***RA6. Approve Agreement Amendment: Nolte & Associates, Milpitas Midtown Garage Right-of-Way (Project No. 8154) (Staff Contact Mike McNeely 586-3301 / Greg Armendariz 586-3220)**

RA7. AGENCY ADJOURNMENT

XIV. REPORTS OF OFFICERS AND BOARDS

City Council

- 1. Discussion and Action Related to Earlier Release of Agendas and Staff Reports for Council Meetings: Councilmember Gomez (942-1110 or 586-3031)**

Sister Cities Commission

- 2. Request for Sister City Relationship and Approval of Memorandum of Understanding: Huizhou City, China (Staff Contact: Leslie Stobbe, 586-3352)**

XV. UNFINISHED BUSINESS (None)

XVI. NEW BUSINESS

- 3. Review and Approve Ethics Survey (Staff Contact: Tambri Heyden, 586-3280)**

XVII. ORDINANCES

- * 4. Adopt Ordinance No. 261, Adding Chapter 18 to Title V of the Milpitas Municipal Code to Authorize Enforcement of Posted Use Regulations at Designated Public Sites and Facilities (Staff Contact: Steve Mattas, 586-3040)**

XVIII. RESOLUTIONS

- * 5. Adopt Resolution Finding Comcast of California in Violation of Franchise (Staff Contact: Blair King, 586-3060)**
- * 6. Adopt Resolution Accepting Grant Award and Approve Budget Appropriation: Coyote Creek Trail, Reach 1 (Project No. 4206) (Staff Contact: Mark Rogge, 586-3257)**

XIX. BIDS AND CONTRACTS

- 7. Consider Amendment No. 3 to the Employment Agreement between the City of Milpitas and Thomas J. Wilson**
- * 8. Approve a Conduit License Agreement Between the City of Milpitas and SBC California for an Exchange of City Owned Conduit and SBC Owned Conduit (Staff Contact: Terry Medina, 586-2703)**

- * 9. **Approve Agreement for Annual Hardware, Software and Support Services with Professional Conergence Solutions for the City's Three Public Business Exchanges (PBX) Systems Through February 28, 2007 (Staff Contact: Terry Medina, 586-2703)**
- * 10. **Approve Agreement Amendment: Harris & Associates, Milpitas Library Project, Winsor and Weller Avenue Plan Line, Right-of-Way Vacation, and Street Improvements (Project No. 8053) (Staff Contact: Greg Armendariz 586-3220)**
- * 11. **Approve Consultant Agreement with Harris & Associates for Contract Engineering Services on Various Land Development Projects (Staff Contact: Mehdi Khaila, 586-3327)**
- * 12. **Approve Agreement Amendment: Luhdorff & Scalmanini, Well Upgrade Program (Project No. 7076) (Staff Contact: Steve Erickson, 586-3317)**
- * 13. **Approve Agreement Amendment: O'Brien Kreitzberg, Project Management Services, Various Capital Improvement Projects (Staff Contact: Steve Erickson, 586-3317)**
- * 14. **Approve Plans and Authorize to Bid: Great Mall Parkway Street Trees And Mulch, (Project No. 4133) (Staff Contact: Doug De Vries 586-3313)**
- * 15. **Award of Bid for Purchase of 2 File Servers (Project No. 8107) (Staff Contact: Lou Zenzen, 586-3161)**

XX. CLAIMS AND DEMANDS

- * 16. **Approve Payment Requests: Miscellaneous Vendors / Contractors (Staff Contact: Lou Zenzen, 586-3161)**

XXI. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, MARCH 16, 2004, AT 7:00 P.M.**

**CITY OF MILPITAS
Summary of Contents
Milpitas City Council Meeting
March 2, 2004
6:00 p.m. Closed Session
7:00 p.m. Public Business
455 E. Calaveras Boulevard**

XII. PUBLIC HEARING

XIII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. CALL TO ORDER BY THE MAYOR

RA2. ROLL CALL

RA3. APPROVAL OF MINUTES: February 17, 2004

RA4. APPROVAL OF AGENDA AND CONSENT CALENDAR (ITEMS WITH ASTERISKS)

***RA5. APPROVE CONTRACT EXTENSION FOR AUDIT SERVICES WITH MAZE & ASSOCIATES ACCOUNTANCY CORPORATION (STAFF CONTACT: EMMA KARLEN, 586-3145)**

BACKGROUND: The City entered into a contract for audit services with Maze and Associates, a Certified Public Accounting firm on May 16, 2000. The scope of the service includes issuance of audit reports on the financial statements of the City, Redevelopment Agency, Milpitas Public Financing Authority, Single Audit, and Transportation Development Act. The contract covers the audits for fiscal years 1999-2000 through 2001-02 with an option to extend the contract to include fiscal years 2002-03 and 2003-04, subject to the annual review and recommendation of the Director of Finance. If the City Council approves the extension of the audit services, fiscal year 2003-04 will be the final year of this contract.

Maze and Associates has provided the City with an engagement letter to conduct audit services for fiscal year 2003-04 for a fee not to exceed \$86,859. Pursuant to the agreement, the fee is based on the FY 2002-03 audit fees adjusted by the Bay Area Consumer Price Index and also includes a \$1,500 one-time review fee of the 2003 Redevelopment Agency Tax Allocation bonds. There are sufficient funds available from the FY 2003-04 budget for this service.

RECOMMENDATION: Authorize the extension of the contract for audit services with Maze and Associates Accountancy Corporation for fiscal year 2003/04.

***RA6. APPROVE AGREEMENT AMENDMENT: NOLTE & ASSOCIATES, MILPITAS MIDTOWN GARAGE RIGHT OF WAY (PROJECT NO. 8154) (STAFF CONTACT MIKE MCNEELY 586-3301 / GREG ARMENDARIZ 586-3220)**

BACKGROUND: On November 4, 2003, City Council approved an agreement amendment with Nolte & Associates to appraise 3 parcels between Winsor St. and the Railroad. With the approval by the Council on February 17, 2004, of the new library and midtown parking garage concept, three additional property acquisitions will be needed. These parcels are located to the south of the Library parcel between Winsor St. and North Main St. The fee associated with these services is not to exceed \$71,000, which is considered reasonable for the scope of work. A budget appropriation of \$80,000 is requested from the 2003 RDA bond proceeds to cover the costs associated with these professional services. An additional appropriation will be necessary at a later date when acquisition costs are known.

RECOMMENDATION:.

1. Authorize the City Manager to execute the agreement amendment with Nolte & Associates, in the amount of \$71,000, subject to approval as to form by the City Attorney.
2. Approve the budget appropriation of \$80,000 for Project No. 8154 for the additional services plus staff time.

RA7. AGENCY ADJOURNMENT

XIV. REPORTS OF OFFICERS AND BOARDS

City Council

1. DISCUSSION AND ACTION RELATED TO EARLIER RELEASE OF AGENDAS AND STAFF REPORTS FOR COUNCIL MEETINGS: COUNCILMEMBER GOMEZ (942-1110 OR 586-3031)

BACKGROUND: Councilmember Gomez is asking the Council to discuss and consider taking action to release Council agendas and staff reports earlier than the current practice of making them available on the Thursday prior to the Tuesday City Council meeting.

RECOMMENDATION: Discuss and direct staff accordingly.

Sister Cities Commission

2. REQUEST FOR SISTER CITY RELATIONSHIP AND APPROVAL OF MEMORANDUM OF UNDERSTANDING: HUIZHOU CITY, CHINA (STAFF CONTACT: LESLIE STOBBE, 586-3352)

BACKGROUND: On July 24, 2003, the Sister Cities Commission passed a formal recommendation to the City Council for a sister city relationship with Huizhou, China and on September 25, 2003, the Commission amended its approval to recommend a proposed Memorandum of Understanding (MOU) that included a two-year relationship duration and report to Council. Huizhou City is located approximately 53 miles north of Hong Kong, in the Guangdong Province, and was founded over 1,400 years ago. It has a resident population of 3.2 million, however the population within the main center of Huizhou City is one-half million. This is where the government seat resides. During its five-month review of a sister cities relationship between Milpitas and Huizhou City, and after interviews with stakeholders, including residents on a Huizhou-Milpitas Sister Cities Committee, the Commission determined that a culturally-based relationship would be mutually beneficial to both cities.

The MOU reflects the Commission's expectation of one annual cultural exchange to each city and that visit details would be cooperatively agreed upon prior to conducting cultural exchanges. It recognizes the involvement of citizens, civic and business groups as ambassadors of goodwill to organize cultural exchanges that may include art, history, education, health and sports interests, a study of business and commerce, and other information gathering. A final draft MOU and listing of Huizhou-Milpitas Sister City Committee members is included in the agenda packet.

RECOMMENDATION: Approve the Sister Cities Commission's recommendation to enter into a two-year sister city relationship with Huizhou City, China, pending announcement from Chair Debra Garcia regarding filing and board formation of a non-profit sister cities association. Authorize Mayor Esteves' signature of an original MOU at a future Council meeting.

XV. UNFINISHED BUSINESS (None)
XVI. NEW BUSINESS

3. REVIEW AND APPROVE ETHICS SURVEY (STAFF CONTACT: TAMBRI HEYDEN, 586-3280)

BACKGROUND: Task 1 – Background Review of the city’s ethic project has been completed and involves three deliverables: a stakeholder report, a recommended plan for development of the ethics code and a draft awareness survey. Over the past four weeks and as of February 23, 2004, Dr. Shanks, the ethics consultant, conducted 24 one-on-one interviews to discover the unique strengths, weaknesses, opportunities and threats facing an ethics code effort in the city. Interviews were conducted with City Council members, senior management, the city manager and assistant city manager, the Milpitas Unified School District superintendent, the editor of the Milpitas Post, school district boards members, and former Council candidate Paul Hay. A group stakeholder interviews of the Community Advisory Commission (CAC), chairs of all other city boards and commissions and the public was conducted at a February 18, 2004, special CAC meeting and attended by 27 individuals. The results of those interviews will be contained within the consultant’s forthcoming stakeholder report.

Based on the information from the stakeholder interviews and meeting, the consultant is preparing a plan on how to move forward with development of an ethics code. This plan will include recommendations for ways to integrate the interests of all key stakeholders into the code preparation effort. The CAC will continue to lead as the forum for receiving community input. Special CAC meetings for the purpose of code development will be scheduled during March and April. Attendance by representatives of the various groups to whom the ethics code will apply (campaign candidates, elected and appointed officials, and management staff) is of utmost importance and will be arranged.

Information from the stakeholder interviews and meeting was also used to prepare the draft survey included in the Council’s agenda materials. The ethics steering committee, comprised of a subset of management staff and CAC members, is in the process of reviewing the survey. The Committee has determined that requests to complete the survey will be distributed to a random sample of Milpitas households (1,184) to ensure statistical validity. The survey questions are designed to measure the public’s opinion of appropriate conduct by campaign candidates elected and appointed officials, and City management staff. Survey responses, due the third week in March, will provide essential information necessary to proceed with the ethics code development workshops.

RECOMMENDATION: Approve the draft ethics survey.

XVII. ORDINANCES

- * 4. **ADOPT ORDINANCE NO. 261, ADDING CHAPTER 18 TO TITLE V OF THE MILPITAS MUNICIPAL CODE TO AUTHORIZE ENFORCEMENT OF POSTED USE REGULATIONS AT DESIGNATED PUBLIC SITES AND FACILITIES (STAFF CONTACT: STEVE MATTAS, 586-3040)**

BACKGROUND: At the February 17, 2004 City Council meeting, the City Council introduced Ordinance No. 261. The proposed ordinance would authorize owners and operators of public facilities to post signage outlining rules and regulations governing the use of the facilities, and provides that violation of posted rules and regulations is punishable as an infraction. The ordinance is broadly worded to allow enforcement of such posted regulations in any public facility.

RECOMMENDATION:

1. Waive full reading of the ordinance.
2. Adopt Ordinance No. 261 adding Chapter 18 to Title V of the Milpitas Municipal Code to authorize enforcement of posted use rules and regulations at designated public sites and facilities.

XVIII. RESOLUTIONS

- * 5. **ADOPT RESOLUTION FINDING COMCAST OF CALIFORNIA IN VIOLATION OF FRANCHISE (STAFF CONTACT: BLAIR KING, 586-3060)**

BACKGROUND: On February 17th, the City Council directed staff to prepare a resolution to find Comcast in violation of the Cable Communications Franchise Ordinance and Agreement. This action was taken based upon the Council's receipt of a report noting violations of the franchise agreement, specifically franchise violations with regard to failing to properly remit franchise fees, grounding and installation issues, failure to install an Institutional Network, and restricted access to studio facilities. These issues had previously been brought to Comcast's attention in the hope that resolution could be achieved in the context of franchise negotiations. However, given the delays in reaching a new franchise agreement, it was recommended that enforcement under the existing franchise be initiated.

Legal Counsel has reviewed the resolution included in the Council's agenda packet. The Milpitas Municipal Code provides that Comcast be noticed of the violations and given an opportunity to cure deficiencies. Should Comcast failure to respond, the Council will have the option to pursue remedies contained in the franchise ordinance.

RECOMMENDATION: Adopt a resolution finding Comcast of California in franchise noncompliance for failure to install an Institutional Network, for failure to provide a studio for residents to produce PEG Programming, for failure to correct grounding issues, and for failure to properly remit franchise fees.

* **6. ADOPT RESOLUTION ACCEPTING GRANT AWARD AND APPROVE BUDGET APPROPRIATION: COYOTE CREEK TRAIL, REACH 1 (PROJECT NO. 4206) (STAFF CONTACT: MARK ROGGE, 586-3257)**

BACKGROUND: This project provides trail improvements along Coyote Creek, including installation of trail surfacing from North McCarthy Boulevard at the north city limits, to Ranch Drive; trail access points; and trail amenities.

This project has received an Association of Bay Area Governments (ABAG) Bay Trail grant of \$340,000, and a Transportation For Clean Air (TFCA) grant for \$95,000. Most recently, the Santa Clara Valley Water District (SCVWD) has awarded the City of Milpitas a grant of \$89,400, which will allow for construction of a trail staging area. The ABAG and TFCA grants are included in the approved Capital Improvement Project budget. The SCVWD grant was awarded after the CIP approval process last year, and therefore was not included in the approved project budget. Staff recommends approval of a budget appropriation of \$89,400 of the SCVWD reimbursement grant. Staff also recommends adoption of a resolution demonstrating acceptance of the grant award, in accordance with the grant program procedures. Staff is currently reviewing the draft funding agreement, which is subject to approval by the City Attorney.

RECOMMENDATION:

1. Adopt resolution demonstrating acceptance of the grant award from the Santa Clara Valley Water District.
2. Approve a budget appropriation of \$89,400 of the Santa Clara Valley Water District grant.

XIX.

BIDS AND CONTRACTS

7. CONSIDER AMENDMENT NO. 3 TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MILPITAS AND THOMAS J. WILSON

BACKGROUND: The City Council is considering an amendment to the Employment Agreement between the City and the City Manager, Thomas J. Wilson. The terms of the proposed agreement will be provided in a presentation at the City Council meeting.

RECOMMENDATION: Consider and act upon the proposed contract amendment.

- * **8. APPROVE A CONDUIT LICENSE AGREEMENT BETWEEN THE CITY OF MILPITAS AND SBC CALIFORNIA FOR AN EXCHANGE OF CITY OWNED CONDUIT AND SBC OWNED CONDUIT (STAFF CONTACT: TERRY MEDINA, 586-2703)**

BACKGROUND: The City adopted a Master Telecommunications Policy (Resolution No. 6353) in September of 1994 and in 1995 Council adopted a Master Telecommunications Plan. This plan included the installation of a fiber optic network to provide voice, video and data services to the City's main facilities. On May 1st, 1997, the City issued a Request for Proposal (RFP) for network equipment for the first phase of the Tele/Data network infrastructure, along with proposals for future phases to complete the network build out. The initial phase of the telecommunications capital project for installation of the fiber ring was completed in December 1998. Phase I is operational, with the City now having a fully functioning fiber optic network backbone. Phase II completed the connections for 3 City locations that included: the Public Works / Police Department building, the temporary City Hall and Fire Station 1 providing voice, data, and video capability. Phase III involves the connection of the seven remaining City facilities, to include Fire Stations 2, 3 and 4, the Great Mall Substation, the Senior Center, the Sports Center and the Community Center.

Many of the activities associated with Phase III have been completed including connection to Fire Stations 3 and 4, the Great Mall Substation, the Community Center and the new City Hall. Connection to the Sports Center has been accomplished temporarily through the usage of a wireless bridge between City Hall and the Sports Center. The conduit for connecting the temporary Senior Center was placed by Public Works and Inspection staff during the site improvements for the Senior Center Modular buildings. The new Senior Center and new Library connections will be addressed at the time of their renovation. Thus only Fire Station 2 remains to be added to the City's Fiber Optic Network.

In 2001, the City entered into an agreement with Grifcar Partners for a telecommunications easement at the northern most section of the City's Fiber Optic Ring. This agreement provided the City the opportunity to run Fiber Optic Cable through the City's conduit, using the telecommunications easement and 4 2" conduits running under highway 880 at Dixon Landing to access the McCarthy Ranch area.

SBC has expressed an interest in leasing 2 of the 2" conduits running under highway 880 in exchange for providing the City with access to SBC conduit running from Fire Station 1 to Fire Station 2 and from City Hall to an area in close proximity to the Sports Center. In total the City will be providing SBC with 2,144' of unused City conduit in exchange for 9,809' of SBC conduit. The agreement provides for no cost to the City and no cost to SBC.

There is no funding required for entering into the Conduit License Agreement. Approval of this agreement will provide the City with the opportunity to complete the Fiber Optic connection between Fire Station 1 and Fire Station 2 and at the same time provide a redundant route back to City Hall. Additionally, the City will be prepared when the time arrives to connect the Sports and Teen Centers to the City's Fiber Optic Network by using the SBC conduit running from City Hall to a location close to the Sports Center complex.

RECOMMENDATION: Authorize the City Manager to approve a Conduit License Agreement between the City of Milpitas and SBC California for the exchange of City owned conduit and SBC owned conduit subject to approval as to form by the City Attorney.

- * **9. APPROVE AGREEMENT FOR ANNUAL HARDWARE, SOFTWARE AND SUPPORT SERVICES WITH PROFESSIONAL CONERGENCE SOLUTIONS FOR THE CITY'S THREE PUBLIC BUSINESS EXCHANGES (PBX) SYSTEMS THROUGH FEBRUARY 28, 2007 (STAFF CONTACT: TERRY MEDINA, 586-2703)**

BACKGROUND: In fiscal year 1999/00, the City of Milpitas implemented a telephone system that supported the communications needs of the City through three Private Business Exchanges

(PBX's). The system included hardware, licensed software and maintenance support provided by NEC, the original vendor of the telephone system. Hardware and software maintenance and support of the system were provided through a five-year maintenance agreement scheduled to expire in April 2004.

Beginning in September 2003, staff began to explore the possibilities of reducing the maintenance costs for support of the City's PBX's and at the same time improve the level of service that we were receiving. NEC, the original vendor of the system, had not been providing timely service and had on occasion been non-responsive to service requests. Since the maintenance and support of the telephone system is a highly specialized field staff conducted an extensive search for a responsive vendor that could meet the needs of the City in a timely fashion. Professional Convergence Solutions (PCS) is a highly respected provider of hardware and software maintenance on the type of phone system that the City operates. PCS has responded to the City's needs in times of emergencies and has been very competitive in their charges as compared to NEC.

The maintenance term with NEC will expire in April 2004 and requires renewal to ensure continuation of the software license and hardware and software support of the City's Telephone System. Staff is recommending that the City change its annual hardware, software and support services agreement from NEC to PCS at the conclusion of the NEC agreement. Funding for the agreement has already been approved in the Information Services operational budget. No additional funding is required for this agreement.

RECOMMENDATION: Authorize the City Manager to approve an Agreement between the City of Milpitas and Professional Convergence Solutions for annual hardware, software and support services through February 28, 2007, in an amount not to exceed \$54,432 subject to approval as to form by the City Attorney.

*** 10. APPROVE AGREEMENT AMENDMENT: HARRIS & ASSOCIATES, MILPITAS LIBRARY PROJECT, WINSOR AND WELLER AVENUE PLAN LINE, RIGHT OF WAY VACATION, AND STREET IMPROVEMENTS (PROJECT NO. 8053) (STAFF CONTACT: GREG ARMENDARIZ 586-3220)**

BACKGROUND: On October 7, 2003, City Council awarded a consultant contract to Harris and Associates for mapping, survey, and utility engineering services as part of the library pre-design effort for Winsor, Weller, and Main Street. Harris has completed the site survey, aerial mapping, and is currently working on the off-site utility engineering for Winsor and Weller Avenues which have long lead times.

Staff now proposes to amend Harris's agreement to include preparation of the official Plan Lines for portions of Winsor and Weller Avenues, preparation of documents for vacation of rights of way, and preparation of final plans, specifications, and estimates for Winsor Avenue street improvements. Staff has negotiated the scope of work with Harris for these professional services, with a proposed not-to-exceed amount of \$29,915.00. Funds are available in the project budget for this amendment.

RECOMMENDATION: Authorize the City Manager to execute the agreement amendment with Harris and Associates in the amount not to exceed \$29,915.00, subject to approval as to form by the City Attorney.

*** 11. APPROVE CONSULTANT AGREEMENT WITH HARRIS & ASSOCIATES FOR CONTRACT ENGINEERING SERVICES ON VARIOUS LAND DEVELOPMENT PROJECTS (STAFF CONTACT: MEHDI KHAILA, 586-3327)**

BACKGROUND: Several major private development projects with very aggressive construction schedules have been submitted to the City for review and approval. In order to meet the project schedules, it is recommended that the City secure contractual engineering services.

In accordance with the City's consultant selection, staff negotiated with Harris & Associates to provide an engineering plan checker to work at City Hall as an extension of Land Development staff. Harris & Associates is especially suited for this assignment because it only provides services to public agencies and has the required expertise. Sufficient funds for this fiscal year are available in the Engineering Division budget and it will be fully reimbursed from developer funds.

RECOMMENDATION: Approve agreement and authorize City Manager to execute the agreement subject to approval as to form by the City Attorney.

- * 12. **APPROVE AGREEMENT AMENDMENT: LUHDORFF & SCALMANINI, WELL UPGRADE PROGRAM (PROJECT NO. 7076) (STAFF CONTACT: STEVE ERICKSON, 586-3317)**

BACKGROUND: This project is included in the current five-year Capital Improvement Program (CIP), and provides for the installation of back-up potable water well in the new City Park to be completed at the end of East Curtis Avenue by the Parc Metropolitan developer. The project is in two phases, starting with the drilling of the well itself. Phase 2 includes completion of the pump building and installation of mechanical and electrical equipment. The well drilling and development (phase 1) was successfully completed last fall.

The standard practice for well drilling and development require that the construction operations be continuous and non-stop 24-hours per day for up to several weeks until completed. Due to the specialty involved with well construction, the City obtained the services of Luhdorff & Scalmanini (L&S) to provide professional well construction inspection and testing services. Several days of additional construction inspection, testing, and analysis as well as a design modification was required during the drilling operations due to installation difficulties. Staff proposes to amend the consultants contract to provide compensation not to exceed \$10,000 for the additional services. There are sufficient funds in the project budget for this fee.

RECOMMENDATION: Authorize the City Manager to enter into the agreement amendment with Luhdorff & Scalmanini in the amount not to exceed \$10,000 subject to approval as to form by the City Attorney.

- * 13. **APPROVE AGREEMENT AMENDMENT: O'BRIEN KREITZBERG, PROJECT MANAGEMENT SERVICES, VARIOUS CAPITAL IMPROVEMENT PROJECTS (STAFF CONTACT: STEVE ERICKSON, 586-3317)**

BACKGROUND: On November 2, 1999, City Council awarded a consultant contract to O'Brien Kreitzberg (OBK) for project management services related to various Capital Improvement Program projects. The current volume of Capital Improvement Program projects continue to require intensive coordination and oversight. Therefore, it is proposed that OBK continue to provide project management services for approximately \$9 million worth of projects through March 2005, including Montague Expressway widening, I-880/Tasman Drive modifications, water system air relief valves, athletic court resurfacing, and the South Milpitas Blvd. water line. These services include construction management, project scheduling, troubleshooting, coordination with outside agencies, and tracking of project expenditures. OBK has agreed to perform these services for a fee not to exceed \$329,650. Funds are available in the respective project budgets.

RECOMMENDATION: Authorize the City Manager to execute the agreement amendment with O'Brien Kreitzberg for project management services for fees not to exceed \$329,650, subject to approval as to form by the City Attorney.

- * 14. **APPROVE PLANS AND AUTHORIZE TO BID: GREAT MALL PARKWAY STREET TREES AND MULCH (PROJECT NO. 4133) (STAFF CONTACT: DOUG DE VRIES 586-3313)**

BACKGROUND: On February 19, 2002, City Council approved a consultant contract with Sugimura & Associates Architects to develop plans and specifications for landscaping along Great Mall Parkway. In accordance with the approved five-year Capital Improvement Program (CIP), plans and specifications for the installation of trees along Great Mall Parkway and replacement mulch in the center medians have been completed.

The engineer's estimate for the work is approximately \$175,000, and funds are available in the project budget. A copy of the project plan title sheet is included in the Council's agenda packet. Complete plans and specifications are available for review in the office of the City Engineer.

RECOMMENDATION:

1. Approve plans and specifications.
2. Authorize advertising for bid proposals for construction.

*** 15. AWARD OF BID FOR PURCHASE OF 2 FILE SERVERS (PROJECT NO. 8107)
(STAFF CONTACT: LOU ZENZEN, 586-3161)**

BACKGROUND: Staff requested bids from 22 dealers on Purchasing's bidders list for 2 file servers for the new utility management system. These servers are required to provide additional storage capacity and are needed at this time in order to meet the utility management system implementation schedule. Eight dealers responded with bids ranging from \$15,211.29 to \$23,413.52. The following is the recap of bids received by the five lowest bidders which includes freight and tax:

Surah, Inc.	\$15,211.29
Golden Gate Systems	\$15,422.95
Netis Technology	\$16,984.43
NorthBay Networks	\$18,460.70
CDW Government	\$18,554.06

There are sufficient funds in the Finance Computer System CIP (Project No. 8107) budget for this purchase.

RECOMMENDATION: Award the bid for the file server to Surah, Inc. as the lowest bidder in the amount of \$15,211.29 and authorize the purchase.

XX. CLAIMS AND DEMANDS

*** 16. APPROVE PAYMENT REQUESTS: MISCELLANEOUS VENDORS / CONTRACTORS
(STAFF CONTACT: LOU ZENZEN, 586-3161)**

BACKGROUND: In accordance with direction given by City Council at its August 15, 1995 meeting, Purchasing has prepared the following list of purchasing requests over \$5,000.00 for approval:

1. \$6,906.74 to Tractor Equipment Co for low-pressure pump and holding tank hydraulic cylinder repairs and replacement of boom controls on the sewer hydro truck for the Fleet Maintenance Function. (Funds are available from the Public Works Department operating budget for this repair.)
2. \$9,255.38 to TBL Packaging & Distribution for the purchase of 15,000 desk side recycling containers for the Commercial Recycling Program for the Utility Engineering Function. The cost includes the cardboard containers, printing on four sides, die cuts, setup charges and delivery charges. (Funds are available from the Engineering Division operating budget for this purchase.)
3. \$7,794.00 to All American Rentals for the purchase of a replacement aerial work platform to be used by staff for providing access to the interior high reach areas of all city facilities for

routine maintenance operations for the Facilities Maintenance Function. All American Rentals submitted the lowest bid. (Funds are available from the Equipment Replacement Fund for this purchase.)

RECOMMENDATION: Approve the purchase requests

XXI. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, MARCH 16, 2004, AT 7:00 P.M.**